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SIPDIS

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SUBJECT: ABU SALEM EXTRADITION UPDATE

Classified By: Polcouns Geoff Pyatt. Reasons 1.4 (B, D)

1. (C) In a February 1 conversation with Poloff, Portuguese DCM Frederico Nascimento confirmed recent Indian press reports stating that his country's Supreme Court had rendered a decision to permit the extradition of Abu Salem to India. He noted that this decision allows the extradition of Salem to India for trial in major offenses, not only minor ones as the court had previously decided. Nascimento also confirmed that Salem could appeal the decision to the Constitutional Court, but that if he did not take this step, or if it failed, the CBI would be free to formally approach Portugal for extradition. A CBI spokesperson told the press that the law enforcement agency was awaiting instructions from Portugal before sending a team there to escort Salem to Mumbai. Nascimento declined to be drawn out on what the next steps in this process might be.

2. (SBU) Abu Salem is wanted in India for suspected involvement in more than 57 cases, including serial bomb blasts that killed nearly 300 people in 1993 in Mumbai. Several journalists have commented to us that the Mumbai police is likely to have difficulty proving Salem's involvement in many of the cases registered against him. However, press sources close to the Mumbai police claim that the police is in possession of an audio recording of a conversation between Salem and other individuals discussing the conspiracy. Mumbai law enforcement officials reportedly believe that an interrogation of Salem could yield new information on links between prominent Indian personalities and the Indian underworld, particularly in Mumbai.

3. (C) Dr. Ajai Sahni, Director of the Delhi-based Institute for Conflict Management, predicted that the extradition of Salem to India would have little effect on GOI efforts in the war on terrorism. Observing that the record of judicial incompetence over the last several years in cases against other notorious gangsters and terrorists extradited to India has not translated into convictions, Sahni also questioned whether the GOI has the forensic and investigative abilities to effectively try Salem with the evidence they possess. Nonetheless, because of Salem's high profile past, our collaboration with Indian and Portuguese authorities in bringing him to justice is an important bellwether of our CT partnership with the GOI.

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